

## **REMARKS**

### **I. Drawing Objection**

Figure 11 has been amended to overcome the drawing objection. No new matter is introduced by this amendment, as the recited allocations, requirements or conditions are included in the originally-filed claims. Furthermore, each of the recited allocations, requirements or conditions is fully supported by the originally-filed specification. Support for the total battery time for a fully charged battery is found on page 7, lines 3-6; page 9, line 21 - page 10, line 7; and page 18, lines 8-10. Support for the active time of each subsystem circuit or function is found on page 10, lines 4-7 and page 18, lines 8-10. Support for a voice threshold temperature is found on page 14, line 18 - page 17, line 2 (and in particular from page 16, line 21 - page 17, line 2); and page 20, line 19 - page 21, line 4.

The specification has also been amended to reflect the amendment to Fig. 11. The amendment to the specification also does not introduce new matter for the same reasons set forth above with respect to the amendment to Fig. 11.

Withdrawal of the drawing objection is respectfully requested.

### **II. Specification Objection**

The specification was objected to for failing to provide antecedent basis for "the battery capacity is measured as a percentage of total battery time for a fully charged battery," "the active time of each subsystem circuit or function," and "the voice threshold temperature."

The Applicant respectfully traverses this objection. Support for "the battery capacity is measured as a percentage of total battery time for a fully charged battery" may be found in the originally-filed specification at page 7, lines 3-6; page 9, line 21 - page 10, line 7; and page 18,

lines 8-10. Support for "the active time of each subsystem circuit or function" may be found in the originally-filed specification at page 10, lines 4-7, and page 18, lines 8-10. Support for "the voice threshold temperature" may be found in the originally-filed specification at page 14, line 18 - page 17, line 2 (and in particular at page 16, line 21 - page 17, line 2); and at page 20, line 19 - page 21, line 4.

Withdrawal of the specification objection is respectfully requested.

### **III. 35 U.S.C. § 103(a) Rejections**

Claims 1-9, 11 and 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,606,242, issued to Hull et al. ("Hull") in view of U.S. Pat. No. 5,964,879, issued to Dunstan et al. ("Dunstan"). These rejections are respectfully traversed on the following separate grounds: A) Hull is inconsistently applied; B) all of the claim limitations are not addressed; and C) Hull and Dunstan do not disclose all of the claimed limitations.

Claims 12, 13, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hull and Dunstan, as applied above, and further in view of U.S. Pat. No. 6,393,401, issued to Loudermilk et al. ("Loudermilk"). These rejections are respectfully traversed on the grounds that Hull and Dunstan, as applied, fail to show all of the limitations of independent base claims 1 and 15.

#### **A. Hull Is Inconsistently Applied**

First, the Office Action inconsistently applies Hull to reveal a logical fault in the rejection. The Office Action first states that Hull shows "a user interface operable to receive a user input allocation of battery capacity among subsystem circuits and functions, and a battery

management module operable to receive the user input allocation." Office Action, pg. 4. The Office Action, however, then correctly notes that Hull does not disclose an allocation of battery capacity. Office Action, pg. 4. If, however, Hull does not disclose an allocation of battery capacity, then logically Hull cannot disclose "a user interface operable to receive a user input allocation of battery capacity among subsystem circuits and functions, and a battery management module operable to receive the user input allocation." Thus Hull does not disclose the claimed user interface or the claimed receiving of the user input allocation. Accordingly, the rejection of claims 1 and 15, and all claims depending therefrom, is improper and should be withdrawn based on this reason alone.

#### **B. All Of The Claim Limitations Are Not Addressed**

Second, the Office Action does not establish a prima facie case of obviousness because the Office Action does not consider or address the limitation "when each subsystem circuit or function has depleted its allocation of battery capacity" as claimed in claim 1 and "after each subsystem circuit or function has depleted its allocation of battery capacity" as claimed in claim 15. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added).

The Office Action merely states that Hull selectively disables each subsystem circuit or function. Office Action, pg. 4. It does not go on to show, however, that Hull or Dunstan disable each subsystem circuit or function when "each subsystem circuit or function has depleted its

allocation of battery capacity" as claimed in claims 1 and 15. In fact, the Office Action completely ignores this claim limitation. Accordingly, the rejection of claims 1 and 15, and all claims depending therefrom, is improper and should be withdrawn based on this reason alone.

### C. Hull And Dunstan Do Not Disclose All Of The Claimed Limitations

Third, neither Hull nor Dunstan disclose the claimed allocation of battery capacity that enables disabling of a subsystem circuit or function when "each subsystem circuit or function has depleted its allocation of battery capacity" as claimed in claims 1 and 15.

Hull merely mentions in the background section that a user may select a mode of operation to extend battery life based on a known battery charge or a known amount of run time remaining. Dunstan discloses a system that compares a power characterization table of subsystems to a battery capacity signal to determine if the battery capacity can satisfy the power allocation requirements for a particular subsystem.

Hull and Dunstan, however, either alone or in combination, do not disclose, teach or suggest the disabling of each subsystem circuit or function "when each subsystem circuit or function has depleted its allocation of battery capacity." Neither Hull nor Dunstan teach making any decision based on whether a subsystem has depleted its allocation of battery capacity.

Hull only discloses that another mode of operation may be selected to extend battery life, and this decision is made by the user based on remaining battery time. There is no disclosure in Hull that a disabling of a subsystem or function occurs when the subsystem or function has depleted its allocation of capacity; indeed, Hull does not even teach or suggest an allocation of battery capacity for each subsystem or function.

Dunstan only discloses determining whether a battery can power a device based on a power characterization of the device that is compared to the present power available from the battery. Thus Dunstan also does not disclose or suggest disabling of a subsystem or function "when the subsystem or function has depleted its allocation of capacity." In fact, the amount of battery capacity that the subsystem circuit or function has depleted is not even considered in Dunstan.

Accordingly, the rejection of claims 1 and 15, and all claims depending therefrom, is improper and should be withdrawn based on this reason alone.

#### **D. Claims 12, 13, 20 And 21 Are Valid Over Hull, Dunstan And Loudermilk**

Claims 12, 13, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hull and Dunstan, as applied above, and further in view of Loudermilk. These rejections are respectfully traversed on the grounds that Hull and Dunstan, as applied, fail to show all of the limitations of independent base claims 1 and 15. Accordingly, dependent claims 12, 13, 20 and 21 are valid for the reasons set forth above.

#### **IV. Conclusion**

For the reasons set forth above, claims 1-22 are presently in condition for allowance. The Applicant respectfully requests that the Office issue a Notice of Allowability in due course.

No fees are believed to be due for this Reply. Should the Applicant be mistaken, however, then any fees due should be charged to Jones Day Deposit Account No. 501432, ref: 555255-012603.

Respectfully submitted,  
JONES DAY



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## **DRAWING AMENDMENTS**

Fig. 11, included in Attachment A, has been amended to include a list of claimed features in the battery allocation/requirement/condition database 306.

Attachment A: Replacement sheet no. 6.